

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40872 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- SRINAGAR District- West Champaran

1. Parwej Gaddi @ Parwej Alam @ Pravej Gaddi @ Pravez Alam, Son of Islam Gaddi @ Mahammad Islam Gaddi, Resident of Village - Singhi, P.S.- Shrinagar, District - West Champaran at Bettiah.
2. Ali Hasan Gaddi, Son of Late Mahendra Gaddi, Resident of Village - Singhi, P.S.- Shrinagar, District - West Champaran at Bettiah.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. Petitioners in the present case are seeking pre-arrest bail in connection with Srinagar P.S. Case No. 31 of 2023 registered for the offences under Sections 30(a), 45 of Bihar Prohibition and Excise Act, 2016. They have no criminal antecedent.

3. As per the prosecution story, the informant who is the Chaukidar got information that Ram Vilas Kumar is involved in carrying liquor through motorcycle. The informant passed this information to the S.H.O. and during patrolling he intercepted one motorcycle rider carrying three bags. The apprehended person disclosed his name as Ram Vilas Kumar. In



the meantime, Parvej Gaddi and Ali Hasan Gaddi (these petitioners) came there and started putting pressure on the informant to release the apprehended person. In the meantime, police vehicle came, the three persons named above managed to escape leaving the bags. On search, 17.210 illicit liquor was recovered from three bags.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that the Chaukidar has enmity with the petitioners, thus, he has falsely implicated the petitioners in this case. It is also submitted that nothing has been recovered from the conscious possession of the petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that it is a false implication at the instance of Chaukidar who has enmity with the petitioners, nothing has been recovered from possession of the petitioners, the petitioners have otherwise no criminal antecedent, hence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners shall be



released on bail in connection with Srinagar P.S. Case No. 31 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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